

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, AUGUST 5, 2003.

**Board Members Present:**

***John F. Coates, Chairman***  
***Steven L. Walker, Vice-Chairman***  
William C. Chase, Jr.  
Sue D. Hansohn  
James C. Lee  
Brad C. Rosenberger  
Carolyn S. Smith

**Staff Present:**

Frank T. Bossio, County Administrator  
J. David Maddox, County Attorney  
Valerie H. Lamb, Finance Director  
John C. Egertson, Planning Director  
Paul Howard, Director of Environmental Services  
Peggy S. Crane, Deputy Clerk

**CALL TO ORDER**

Mr. Coates, Chairman, called the meeting to order at 10:00 a.m.

**INVOCATION**

The invocation was presented by Rev. Richard "Lanny" Horton, Director of Missions, Shiloh Baptist Association.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Mr. Walker led the members of the Board and audience in the Pledge of Allegiance to the Flag.

**RE: AGENDA - ADDITIONS AND/OR DELETIONS**

Mr. Frank Bossio, County Administrator, began by wishing Mr. David Maddox, County Attorney, a happy birthday.

Mr. Bossio asked that **CONSENT AGENDA** items 2-A and 2-M be moved to the regular agenda under **GENERAL COUNTY BUSINESS** as:

**3-A.** The Board will consider approving amended language of previously approved minutes of June 3, 2003; and

**3-B.** The Board will consider a resolution to direct the Planning Commission to make recommendations with regard to the amendment of the Zoning Ordinance to upzone Parcel 50-35D from R-4 (residential) to LI (light industrial).

He also asked that the following item be added to the **CLOSED SESSION:** Under Virginia Code § 2.2-3711 (A)(1) to consider: (E) issues regarding specific County employees.

Mr. Maddox informed the Board that he would recommend that the new 3-B be modified. He said that a part of the new resolution would be to rescind the earlier resolution enacted on July 1, 2003 on the same topic.

Mrs. Hansohn moved, seconded by Mrs. Smith, to amend the agenda accordingly.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

### **RE: MINUTES**

The minutes of the July 1, 2003 regular meetings were presented to the Board for approval.

Mr. Walker moved, seconded by Mrs. Hansohn, to approve the minutes as presented.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

### **CONSENT AGENDA:**

Mr. Bossio reviewed the following Consent Agenda items with the Board:

- a. The Board will consider approving amended language of previously minutes of June 3, 2003 (***moved to regular agenda 3-A***).
- b. The Board will consider approving acceptance of a grant for the Sheriff's Office from the Department of Criminal Justice for the continuation of grant funding for a School Resource Officer at Culpeper Middle School in the amount of \$38,947 (Federal funding \$23,956, local match of \$14,991 from the Sheriff's budget).
- c. The Board will consider approving a budget amendment for additional federal funds received for the Department of Social Services for the Head Start Grant in the amount of \$16,051.
- d. The Board will consider approving an appropriation of a grant for the Department of Emergency Services from the Office of Emergency Services grant funds in the amount of \$11,387 to assist the County in the process of writing the Emergency Operations Plan (EOP).
- e. The Board will consider approving a budget amendment for the School System for additional federal revenue received from a new grant in the amount of \$120,000 for a 21<sup>st</sup>

Century Community Learning Centers Grant.

f. The Board will consider approving a budget amendment for the Department of Environmental Services/Building & Grounds in the amount of \$121,501 to pay Service Master for janitorial services.

g. The Board will consider approving an Operational Transfer for the Commissioner of the Revenue's Office in the amount of \$3,691.43 to cover additional salary for the Appraiser's position.

h. The Board will consider acceptance of a Grant Agreement for the design and construction of Airport Navigational equipment in the amount of \$259,116 (no local funds required).

i. The Board will consider authorizing grant applications to VDOA and FAA for the design phase of New Terminal Apron Area Expansion at the Culpeper Regional Airport. The Board will also consider approving a contract addendum with Campbell & Paris Engineers contingent upon receipt of VDOA/FAA funding (FAA \$150,000, VDOA \$13,333, and local share \$3,334).

j. The Board will consider authorizing a grant application to VDOA for the design phase of the site preparation and auto parking for new storage hangar areas at the Culpeper Regional Airport. The Board will also consider approving a contract addendum with Campbell & Paris Engineers contingent upon receipt of VDOA funding (VDOA \$22,000; local share \$5,500).

k. The Board will consider a motion to ratify the Town and County joint proclamation honoring Giles H. Miller on his 100<sup>th</sup> birthday.

l. The Board will consider a budget transfer for the Department of Social Services for the Head Start Grant in the amount of \$21,200 to correct line items.

m. The Board will consider a resolution to direct the Planning Commission to make recommendations with regard to the amendment of the Zoning Ordinance to upzone Parcel 50-35D from R-4 (residential) to LI (light industrial) (***moved to regular agenda Item 3-B***).

n. The Board will consider a motion to ratify a Resolution in Support of Ina Kate Carter Celebration/Reunion Game.

Mr. Walker moved, seconded by Mr. Lee, to approve the Consent Agenda as amended.

Mr. Coates called for voice vote.

Mrs. Hansohn asked that the two resolutions be read into the record.  
Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker  
Motion carried 7 to 0.

**P R O C L A M A T I O N**  
**GILES H. MILLER, JR. DAY**  
**AUGUST 2, 2003**

**WHEREAS**, *Giles H. Miller, Jr. will celebrate his 100<sup>th</sup> birthday on July 26, 2003; and*

**WHEREAS**, *Mr. Miller served as a member of the Town Council continuously from January 1934 through December 1967 and again from April 1971 through August 1976, including nearly 30 years of this time as Vice Mayor; and*

**WHEREAS**, *he has given of his time and talents to ensure that Culpeper is economically and environmentally well balanced for generations to come by serving as Chairman of the Sanitary, Cemetery, Finance, and Police Committees, and a member of the Building, Ordinance and Rules, and Airport Committees;*

**WHEREAS**, *his professional banking experience was utilized as he served on the Culpeper Industrial Development Authority from October 1968 through 1983; and*

**WHEREAS**, *Mr. Miller has brought recognition and honor to his fellow citizens by serving as the Chairman of the Board of Visitors, President of the Alumni Association of Virginia Military Institute, President of the State Bankers Association, member of the Board of Directors at the Culpeper Memorial Hospital, 4-H Foundation, Culpeper United Methodist Church; and*

**WHEREAS**, *through his affiliation with and involvement in these and many other various activities, he has touched the lives of so many and has been a witness and testimony of true leadership to his peers while providing years of guidance, support, and friendship to all who have know him; and*

**WHEREAS**, *on the occasion of his 100<sup>th</sup> birthday, we wish to honor him as he has honored and served us;*

**NOW, THEREFORE**, the Council of the Town of Culpeper and County Board of Supervisors hereby declare **July 26 through August 2, 2003, as a week of Special Recognition and August 2, 2003, as Giles H. Miller, Jr. Day.**

**Resolution of Appreciation**  
**To Honor Coach Kate Carter**

**WHEREAS**, *Kate Carter has served as a health and physical education teacher in Culpeper County Public Schools for forty years; and*

**WHEREAS**, *during that time, she has coached basketball, tennis and track; and*

**WHEREAS**, *Coach Carter has made her mark in high school sports history, having won 500 career games; and*

**WHEREAS**, *she has been named National Coach of the Year in 1994; and*

**WHEREAS**, *she has distinguished herself in the State being inducted into the Virginia High School Hall of Fame, and winning Coach of the Year six times on the State level; and*

**WHEREAS**, Kate Carter was named Coach of the Year four times on the regional level and 18 times on the district level; and

**WHEREAS**, in our County this outstanding individual has been a role model and drawn the best from generations of Culpeper students, and touched the lives of many more.

**NOW, THEREFORE, BE IT RESOLVED**, that the **CULPEPER COUNTY BOARD OF SUPERVISORS** hereby recognizes the contributions made by Coach Carter to the students and citizens of Culpeper County, and by virtue of this resolution, we pronounce that Kate Carter has earned the love and respect of our citizens and that we hereby honor her service and achievements on their behalf.

Done, this 5<sup>th</sup> day of August 2003.

By: William C. Chase, Jr., Stevensburg  
James C. Lee, Cedar Mountain District  
Sue D. Hansohn, Catalpa District  
Brad C. Rosenberger, Jefferson District  
Carolyn S. Smith, West Fairfax District  
Steven L. Walker, East Fairfax District

John F. Coates, Chairman  
Culpeper County Board of Supervisors  
Salem District

ATTEST:

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Frank T. Bossio  
Clerk to the Board

### **GENERAL COUNTY BUSINESS**

#### **RE: INTRODUCTION OF NEW EMPLOYEES**

Mrs. Dianna Catron, Director of IT, introduced Career Partner participants, Brittany Gonzalez and Raj Dharamsi, to the Board. Mr. Coates thanked Ms. Gonzalez and Mr. Dharamsi for their services to the County.

Mrs. Tanya Woodward, Assistant Airport Manager, informed the Board that the Career Partner participants in her office, Andrew Hicks and Justin Taylor, were on vacation with their families and were unable to be present.

#### **RE: THE BOARD WILL CONSIDER APPROVING AMENDED LANGUAGE OF PREVIOUS MINUTES OF JUNE 3, 2003**

Mr. Maddox informed the Board that a request had been made to amend the minutes of the previously approved June 3, 2003 minutes to reflect a statement made by Mr. Ben Tissue regarding a private agreement between Mr. Gene Pulliam and Three Flags Associates for a 250-foot buffer that had been proffered. He noted that the amendment would require a two-thirds vote by the Board.

Mr. Lee moved, seconded by Mr. Walker, to approve the amendment to the June 3, 2003 minutes.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

**RE: THE BOARD WILL CONSIDER A RESOLUTION TO DIRECT THE PLANNING COMMISSION TO MAKE RECOMMENDATIONS WITH REGARD TO THE AMENDMENT OF THE ZONING ORDINANCE TO UPZONE PARCEL 50-35D FROM R-4 (RESIDENTIAL) TO LI (LIGHT INDUSTRIAL)**

Mr. Maddox explained that he asked that this item be removed from the Consent Agenda because it concerned a resolution previously passed, which involved issues relating to litigation in which the Board of Supervisors and County officials were being sued. He stated that the County had obtained outside counsel who felt that amending the resolution would be in the best interest of the County and in the defense of the lawsuit should the resolution be challenged. He recommended that two separate motions be made: One to rescind the resolution adopted by the Board on June 3, 2003, which would require a two-thirds vote; and one to vote on the new resolution, which would require a majority vote.

Mrs. Smith moved, seconded by Mrs. Hansohn, to rescind the resolution dated June 3, 2003, requesting the Planning Commission to consider and make recommendations with regard to amending the Zoning map to upzone Parcel 50-35D from R-4 (residential) to LI (light industrial) and to correct the date in that resolution.

Mr. Maddox stated that there was confusion regarding the date of the previous resolution and asked for a short recess.

Mr. Coates recessed the meeting at 10:20 a.m.

Mr. Coates called the meeting back to order at 10:22 a.m.

Mr. Maddox stated that the correct date on the original resolution was July 1, 2003, and that date should be made a part of the motion to rescind that resolution. Mrs. Smith pointed out that the date on the resolution would have to be corrected as well. Mr. Maddox agreed that the resolution would be amended to reflect the correct date.

Mrs. Smith amended her motion to rescind the resolution dated July 1, 2003, requesting the Planning Commission to consider and make recommendations with regard to amending the Zoning map to upzone Parcel 50-35D from R-4 (residential) to LI (light industrial) and to correct the date in that resolution. Mrs. Hansohn agreed to the

amendment.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

Mr. Walker moved, seconded by Mrs. Hansohn, to adopt the new resolution requesting the Planning Commission to consider and make recommendations with regard to amending the Zoning map to upzone Parcel 50-35D from R-4 (residential) to LI (light industrial).

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

### **UPDATE ON COST OF COMMUNITY SERVICES STUDY**

Mr. Carl Mailler, Economic Planner, American Farmland Trust, briefed the Board on the results of the Cost of Community Services Study. He stated that the study analyzed revenues and expenditures on a land use basis for FY 2002, examined revenues by land use and the financial demands of public services, and showed the cost of providing those services to residential; commercial; and farm, forest and open space land uses. He said that the study found that (1) 73 percent of revenue in FY 2002 was generated by residential land uses; 25 percent by commercial land uses; and 2 percent by farm, forest and open lands; and (2) 89 percent of County expenditures went to provide services for residential land use, 11 percent for commercial/industrial uses, and 1 percent for farm, forest and open land. He provided details on methods used to collect data and to determine the allocation of revenues and expenditures in the various categories. He noted that the findings demonstrated that a balance of land uses was necessary to ensure fiscal stability.

Mr. Walker asked about the pros and cons of having the locality and State provide funding for the schools versus giving the School Board the ability to enact taxes for that purpose. Mr. Mailler agreed that the smaller rural counties were suffering because the demand for services was increasing and the basic county service could not compete with the schools that were so large. He felt that if they were not kept under one roof, it would be difficult to balance.

Mr. Walker asked whether the study included agribusinesses other than commercial

greenhouses, and whether they were considered commercial or agricultural. Mr. Mailler replied that agribusinesses were included and that the farmland properties that were studied included greenhouses and considered under the farmland category.

Mr. Walker noted that the study did not include social services or other “safety net” expenses for agricultural businesses, particularly migrant workers. Mr. Mailler stated it would be difficult to tie those services directly to the farmers and were treated as residents.

Mrs. Hansohn asked for elaboration on a statement in the report that indicated agriculture was threatened by scattered residential development. Mr. Mailler stated that he obtained that information from a local source, as well as observations as he drove around the County. Mrs. Hansohn asked whether he felt that residential development was taking away from the agricultural base. Mr. Mailler stated that it was being consumed at a faster rate than necessary.

Mr. Rosenberger expressed his appreciation that the Board funded the study and hoped that it would be used as a planning tool in the future. He stated that he was a fifth generation farmer on the same farm and felt the encroachment of development every day. He commented that migrant workers in Culpeper County were minimal due to the lack of commercial orchards, but that many temporary workers had been pulled to the County because of the construction that was taking place.

Mr. Coates thanked Mr. Mailler for his presentation.

No action was required.

**RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES BOARD PERFORMANCE  
CONTRACT AND AREA AGENCY ON AGING FY 04 PROGRAM PLAN (RRCSB)**

Mr. Brian Duncan, Executive Director, RRCSB, provided an update on the RRCSB-AAA (CSB) and gave an overview of the agency’s program plan for the current fiscal year. He introduced Eileen Peet and Cathy Zielinski, two of the County’s appointees to the CSB Board of Directors. He reviewed projections on the number of people to be served in FY 04, showed the variety of services provided within the five localities served, and gave detailed information on the service profile of Culpeper County. He also reviewed the various sources of funding from Federal, State and local sources and a breakdown of how the revenues were allocated by function.

Mr. Duncan stated that CSB had conducted a needs assessment in the spring to identify priority unmet needs in the region in order to prioritize resources as they became



available in the future. He noted that some of the unmet needs identified were children's services; specialized/accessible housing; improved support for residents with long-term disabilities; substance abuse prevention services; reasonable access to nonemergency outpatient mental health/substance abuse care; and a greater variety of adult rehabilitative alternatives. He reported that local initiatives for FY 04 included construction of a 23-unit elderly housing development in the Town of Culpeper to serve the region; collaboration with the local Social Services to expand Title IV-E funding for specialized children's prevention services; and establishing transportation as a reimbursed special needs (nonpublic) program to bring in a new source of revenue. He added that the CSB was participating in several statewide initiatives, such as continuing to seek capital funding for \$2.5 million in order to replace Boxwood Substance Abuse Treatment Center and the Governor's campaign regarding community reinvestment of State hospital funds into community programs.

Mr. Duncan stated that all of the five local governments were participating in funding the CSB on a per capita basis of \$3.50 to provide the minimum of services. He stated that did not preclude any locality from providing support and funding for a specific county-based program. He noted that the funding provided by the localities was used approximately 50 percent for mental health, mental retardation and substance abuse services, and 50 percent for aging services.

Mr. Duncan stated that the CSB Board of Directors approved the 2004 Performance Contract and Area Plan on June 10, 2003, and asked for the Board's written endorsement by September 30, 2003.

Mrs. Hansohn thanked Mr. Duncan for providing an overview because many citizens did not know what services the CSB provided. She asked for additional information on the aging services available and whether they were income based. Mr. Duncan replied that most aging services were not income-based, but a majority of the senior citizens receiving services from the agency were low-income. He said that most of the agency's outreach efforts were targeted to low-income, vulnerable elderly individuals because of the Federal funding received, but any senior citizen could receive congregate meals at meal sites, home-delivered meals, case management services, personal in-home care, cooling assistance, etc. He said that the agency's four senior advocates visited individuals in their homes and assisted them in getting CSB services, as well as referrals to

other community services as needed. He said that although most CSB services had been consolidated within the five-county region, the senior sites had remained a visible presence in each county.

Mrs. Hansohn inquired about the impact on Culpeper County of discharging individuals from State hospitals back into the community. Mr. Duncan replied that each individual discharged would bring a menu of needs and each service would have an associated cost funded by State dollars. He said that five individuals would be discharged from Western State in the first quarter FY 04 to this region, but he did not know how many would return to Culpeper County. He stressed that Governor Warner's initiative was a pay-as-you-go plan and no one would be discharged without resources to cover the services needed, which would be approximately \$55,000 to \$80,000 per plan per year.

Mr. Lee inquired whether the CSB would incur additional costs. Mr. Duncan replied that the State would be paying for the care for an individual's disabilities and would cost approximately the same as the care in a facility. He said that the funding was not a one-year commitment, but would be an ongoing source of money. He noted that the CSB would incur some development costs to put the services in place, but that would be a one-time cost.

Mr. Walker asked whether the new 23-unit on Saunders Street would be predominately an elderly facility and if Culpeper's elderly would receive any type of priority. Mr. Duncan replied that the facility was exclusively for the elderly, and no priority would be given to residents of the Town, County, or the region because the facility was a HUD-financed project. He did note that Culpeper residents would probably be first in line due to the location and the fact that marketing would probably begin in Culpeper.

Mr. Walker expressed an interest in having a specific program in Culpeper County, and suggested working with the CSB in that endeavor. Mr. Duncan stated that one advantage to that would be Culpeper citizens would receive top priority.

Mrs. Hansohn asked whether there were any programs to provide tax incentives for developers to construct low-income housing for the elderly only. Mr. Duncan replied that the HUD 202 program had funded hundreds of thousands of low-income assessment housing for senior citizens across the country, including the CSB project on Saunders Street. He said it was available to private developers, but there were a lot of requirements and were not always profitable.

Mr. Coates thanked Mr. Duncan and CSB Board members for attending and asked if the Board wished to act upon the plan.

Mrs. Hansohn moved, seconded by Mrs. Smith, to endorse the FY 2004 performance plan.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

Mr. Coates recessed the meeting at 11:20 a.m.

Mr. Coates called the meeting back to order at 11:35 a.m.

#### **REFUNDING OF SERIES 2000 BOND**

Mr. Bossio stated that at the Board's May 6, 2003 meeting, the County Administrator had been authorized to proceed with refinancing the existing Series 2000 Bond and set a threshold limit of \$200,000. He asked that the Board approve the resolution for refunding of the Series 2000 Bond. He stated that Valerie Lamb, Finance Director, was available to answer any questions.

Mr. Chase moved, seconded by Mr. Lee, to approve the resolution authorizing the refinancing of the Series 2000 Bond.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

Mrs. Smith asked Mr. Bossio to note for the record the amount of the savings. She felt that the public should be aware that the Board was working to be conservative with their dollars. Mr. Bossio stated that at the time the Board authorized the refinancing, there was a net present value savings of \$256,000, and the estimated net present value savings were \$365,000 on that one issue at the present time.

#### **RESOLUTION FOR REIMBURSEMENT**

Mr. Bossio stated that the Board of Supervisors had granted permission at its April 1<sup>st</sup> meeting to hire CTA to procure the new radio system. He said that CTA began its first phase of consultation in June, and the resolution before the Board would allow the County to reimburse itself from indebtedness proceeds for the consulting fees as recommended by McGuire Woods & Battle. He stated that the Finance Director and County Attorney were available to answer questions.

Mrs. Hansohn moved, seconded by Mr. Lee, to approve the resolution for reimbursement.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

**RE: UPDATE ON DEBT POLICY AND SCHOOL CONSTRUCTION PLAN**

Mr. Bossio stated that during the budget process, the Board had authorized to set aside \$500,000 a year for four years, plus \$2 million up front, from the General Fund in order to finance capital school projects in the future. He said that Davenport & Company had reviewed the County's finance plan and prepared some recommendations based on a \$42 million high school and a \$23 million middle school. He then gave a lengthy PowerPoint presentation on capital planning, debt capacity and tax impact analysis. It covered existing debt service and historical and projected demographics; and capital improvement program (CIP) funding, which included \$9 million for the new EOC radio system, \$3.5 million for the sports complex, \$43.875 million for a new high school, \$20.25 million to renovate the old high school for a middle school, \$11.996 million for a new elementary school, and \$6.545 to renovate an existing elementary school -- totaling \$95.166 million. He discussed key assumptions regarding how the CIP would be funded based upon principal and interest rates, existing debt service, and using the options of a 2 percent versus a 3 percent growth in real estate assessed values.

Mr. Bossio stated that Davenport recommended that Culpeper's debt per capital be \$2,000; debt as a percentage of assessed value at 4.5 percent; debt service as a percentage of general government expenditures at 10 percent; and debt as a percentage of income at 7.5 percent. He stated that the County debt service to expenditure ratio was at 10 percent at the present time, and he felt it was a fair indicator of financial health.

Mr. Bossio stated that the information was provided for the Board's information, and he and the Finance Department staff would be developing policies and recommendations for the courses of action for the Board's consideration.

Mr. Walker asked where Culpeper was at the present time with regard to the 4.5 percent for debt as a percentage of assessed value. Ms. Lamb stated that was based upon Davenport's recommendation after a review of other localities in the area. She said that Culpeper was not projected to hit that figure until 2008.

Mr. Walker asked about the \$2,000 debt per capita figure. Ms. Lamb stated that Culpeper would not reach that particular level until approximately 2006 if the Board changed the policy from the current \$1,000 to the \$2,000 figure.

Mr. Bossio emphasized that this presentation was for discussion purposes, and staff was not prepared to advocate in either way until the numbers had been looked at very closely.

Mrs. Hansohn asked whether the Board would be able to give the School System a bottom line number so they would have some direction prior to preparing their plan to present to the Board in October. Ms. Lamb stated she had not prepared that calculation but it would not be difficult to do so.

Mr. Bossio stated that he would work with Davenport and review the policy in order to make a recommendation to the Board by next month, whether to stay with the current debt policy or to change it.

Mrs. Hansohn suggested that the School Board be informed not to bring forth its plan until the County staff had developed its funding sources. Mr. Bossio agreed.

Mr. Coates stated that Dr. Cox, School Superintendent, had indicated that the School Board would like to approach the Board next month. Mr. Bossio felt that the School Board should wait until October in order to allow staff time to develop the policy and prepare the numbers.

No action was required.

## **COMMITTEE REPORTS**

### **BUILDINGS & GROUNDS COMMITTEE/JULY 8, 2003/8:30 A.M.**

Mr. Lee reported that the Building & Grounds Committee met on July 8<sup>th</sup>. He asked Mr. Egertson to discuss the Comprehensive Plan for Memorials/Community Amenities that was considered by the Committee.

Mr. Egertson informed the Board that concerns had been raised regarding the placement of monuments and memorials on public property, and the County did not have any guidelines or criteria to follow in considering requests. He said staff decided that a plan could be developed in-house, with input from the Town. He stated he had worked with the Town Planner regarding the County-owned properties located within the Town. He indicated that the plan included an inventory of most of the existing monuments currently in the Town/County on publicly owned property, some potential locations for

future amenities, and suggestions for potential themes. He said that criteria for reviewing requests and an application form had been included, as well as maps to indicate existing and potential locations.

Mr. Egertson stated that although County staff had worked closely with Town staff, a Town Committee or Town Council had not reviewed the plan. He said that the plan was ready for the Board's consideration

Mr. Walker asked whether it would be appropriate to refer the plan to the Town/County Interaction Committee. Mr. Coates agreed that would be appropriate.

Mr. Egertson stated that the County had taken the lead on this project, but asked the Town to participate. He said that the Board could adopt the plan and amend it later if necessary.

Mr. Lee pointed out that the Committee had voted to refer the plan to the full Board. Mrs. Smith agreed that Buildings and Grounds had passed a motion to bring the plan to the full Board for approval, and she preferred to have it presented to the Board for a vote.

Mr. Lee moved, seconded by Mrs. Smith, to accept the recommendation of the Committee to approve the Memorials and Community Amenities Plan, including the application form.

Mrs. Smith pointed out that the Committee had given a lot of thought and consideration to the plan, which included the Town's views.

Mr. Walker expressed his concern that while the plan had been reviewed by Town staff, it had not been taken through the Committee and Town Council process.

Mr. Coates stated he could not support the motion because the plan was titled "The Town and County of Culpeper ...", and he would like to have the Town's endorsement before acting.

Mr. Lee suggested that the Board approve the Plan subject to approval by the Town Council, and amend it later if they offered any amendments to it. Mrs. Smith agreed and stated that staff did not have anything to present to the Town as a Board-approved plan unless the Board voted.

Mr. Rosenberger pointed out that the Town was within the County, and the plan could be titled "The County of Culpeper Plan for Memorials and Community Amenities".

Mrs. Smith called for question.

Mr. Coates stated again that he could not support the motion, particularly in view of

the section on Potential Locations.

Mr. Coates called for voice vote.

Mr. Coates called for a show of hands.

Ayes – Lee, Rosenberger, Smith

Nays – Coates, Chase, Hansohn, Walker

Motion failed 4 to 3.

Mr. Chase moved, seconded by Mr. Walker, to refer the plan to the Town/County Interaction Committee for study.

Mr. Lee suggested that a timeframe be added to the motion for return to the Board.

Mr. Rosenberger pointed out that agenda items could not be referred to the Interaction Committee without a consent vote by both governing bodies.

Mr. Chase agreed to amend the motion that the plan be referred to the Town/County Interaction Committee and a recommendation be made to the Board within 90 days. Mr. Walker concurred with the amendment.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

See attachment #1 for details of meeting.

**RULES COMMITTEE/JULY 8, 2003/9:30 A.M.**

Mr. Walker reported that the Rules Committee met and discussed a request for a funding application for the Operating Budget for FY 2005.

Mr. Walker moved, seconded by Mr. Lee, to approve the revised questionnaire for use for requests received from outside agencies as a procedure in the FY 05 budget year.

Mrs. Hansohn asked if an outside agency would be excluded from the budget if it refused to complete the application or provide requested information. Mr. Bossio stated that the budget request could be brought forward as incomplete or it could be turned down. Mrs. Smith pointed out that the application form was clear that "Noncompliance with completion of this form in its entirety will result in no funding from the Culpeper County Board of Supervisors".

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

Mr. Walker stated that the Rules Committee had been reviewing an Economic Development policy regarding the Machine and Tools Tax and Training Incentives Program. He asked Mr. Carl Sachs, Economic Development Director, to provide additional information.

Mr. Sachs stated that the Board had previously reviewed the package establishing a business incentive mechanism to reward new investment in excess of \$500,000 by certain types of businesses and to provide tax reimbursement for 100 percent of the machinery and tool taxes for the new investment for a three-year period; and to reimburse 50 percent of an employer's real and personal property taxes for approved employee training expenses for a period of five years, and an additional reimbursement of 25 percent for the next five years. He stated that the appendix attached to the policy included: (1) A list of eligible types of businesses, (2) an application to be filled out by the business owner certifying that business would not be eligible to receive any payments any of the certifications were violated; (3) a request form to obtain reimbursement at the end of the tax year; and (4) an agreement between the County and either the Town IDA or the County IDA, if it was fully operational to act as the conduit to handle disbursement of the money. He stated that the concern was raised that an employer might bring in an employee from another area for training and then transfer him/her out. He said that issue had been addressed by stating that if that occurred, that amount of reimbursement for training would be deducted from any future payments.

Mr. Sachs stated that on advice of the County Attorney and County Administrator, the proposed policy would have to be codified as an ordinance in order to deal with the finances of the County and asked for authorization to advertise it for a public hearing.

Mrs. Smith asked for clarification of "new" dollars and whether there was a mechanism for measuring whether they were actually new dollars coming into the community. Mr. Sachs replied that new dollars represented new tax dollars and new assessments of higher evaluations as determined by the Commissioner of the Revenue.

Mrs. Smith stated she understood about new equipment, but if a new store came in, and put another store out of business, there would be no benefit to the County. Mr. Sachs stated that the proposal would not affect retail establishments or other types of businesses competing for the same dollars, but would be primarily manufacturing establishments.

Mr. Rosenberger asked for clarification regarding reimbursement based on a



company's tax liability and the amount actually spent for training. Mr. Sachs responded that a company would only be reimbursed up to what was actually spent in approved employee training expenses, with the exception of the machinery and tool tax. He said that the machinery and tool tax was a three-year reimbursement for the amount of new machinery and tools that were purchased and at the maximum 50 percent of what was paid in taxes during the first five years.

Mr. Walker moved, seconded by Mrs. Hansohn, to authorize advertising the machinery and tools tax and training incentives program for a public hearing.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

Mr. Walker stated that the Rules Committee discussed the Department & Parks and Recreation Parks Policy.

Mr. John Barrett, Director of Parks & Recreation, stated that he had developed a proposed parks policy in view of the many parklands being developed within the County. He said the policy included basic rules that would need to be codified so the Sheriff's Department could enforce any infractions.

Mr. Walker moved, seconded by Mr. Lee, to authorize advertising the Parks & Recreation Policy for a public hearing.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

See attachment #2 for details of meeting.

### **ECONOMIC DEVELOPMENT REPORT**

Mr. Sachs reported that:

1. He had reviewed the process for submitting an application for a blended enterprise zone within the Town/County, but determined that he did not have time to develop a competitive application this year. He said he would keep the idea in mind should additional enterprise zones become available in the future.

2. He received word from the Small Business Administration that Culpeper's HUB Zone had shrunk from two Census tracts to one. He said the Census tract in the Stevensburg District had been dropped, but one located east of the Town in the County

was alive. He said that the Stevensburg Census tract was dropped because of an increase in the personal income and reduction of unemployment in that area. He stated that he discussed the situation with Mr. Egertson, who felt that there was suitable opportunity in the remaining Census zone area for commercial development.

#### **AIRPORT ADVISORY COMMITTEE**

Mr. Bossio reported that the Airport Advisory Committee met on July 9<sup>th</sup> and there were no action items to bring forward. He stated that construction was now proceeding since weather conditions had improved.

#### **ADMINISTRATOR'S REPORT**

Mr. Bossio reported that staff would be meeting on September 5<sup>th</sup> on strategic planning. He asked the Board to select a meeting date in September or early October to discuss the plan and provide input. He felt that approximately six hours of the Board's time would be required.

After discussion, the Board reached a consensus that each member would contact Mr. Bossio's office within the next week regarding his/her schedule in order to coordinate a mutually satisfactory time to meet.

#### **CLOSED SESSION**

Mr. Walker moved to enter into closed session, as permitted under the following *Virginia Code* Sections, and for the following reasons:

1. Under *Virginia Code* §2.2-3711(A)(1), to consider: (A) resignation from the Agricultural Resource Advisory Committee; (B) potential nominees for appointment to the Culpeper County Library Board; (C) prospective candidate for reappointment to the Airport Advisory Committee; (D) potential candidates for reappointment and appointment to the Social Services Board; and (E) issues regarding specific County employees.
2. Under *Virginia Code* §2.2-3711(A)(1) and (A)(7), to consult with the County Attorney regarding probable litigation concerning a specific ordinance.
3. Under *Virginia Code* §2.2-3711(A)(1) and (A)(7), to consult with the County Attorney regarding probable litigation concerning enforcement of the County Zoning Ordinance against a specific County landowner.

Seconded by Mr. Lee.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Nay – Chase

Motion carried 6 to 1.

The Board entered into closed session at 12:30 p.m.

The Board recessed at 1:00 p.m. for lunch break.

The Board reconvened into closed session at 2:45 p.m.

The Board returned to open session at 4:11 p.m.

Mr. Coates polled the members of the Board regarding the closed session held. He asked the individual Board members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under the Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Mr. Coates asked that the record show that Mr. Chase was not present for closed session.

Ayes - Walker, Lee, Coates, Smith, Rosenberger, Hansohn

Absent – Chase

**RE: RESIGNATION FROM AGRICULTURAL RESOURCE ADVISORY COMMITTEE**

Mr. Walker moved, seconded by Mrs. Smith, to accept Richard Larson's resignation from the Agricultural Resource Advisory Committee.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Absent - Chase

Motion carried 6 to 0.

**RE: AGRICULTURAL RESOURCE ADVISORY COMMITTEE**

Mr. Walker moved, seconded by Mrs. Hansohn, to appoint John Mesite to the Agricultural Resource Advisory Committee.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Absent - Chase

Motion carried 6 to 0.

**RE: REAPPOINTMENT TO THE AIRPORT ADVISORY COMMITTEE**

Mr. Walker moved, seconded by Mrs. Smith, to reappoint Robert J. "Bob" Yeaman

III, to the Airport Advisory Committee.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Absent - Chase

Motion carried 6 to 0.

**RE: REAPPOINTMENT TO SOCIAL SERVICES BOARD**

Mr. Walker moved, seconded by Mr. Lee, to reappoint Louanne Toomey to the Social Services Board.

Mr. Coates called for voice vote.

Absent - Chase

Ayes – Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 6 to 0.

**ADJOURNMENT**

Mrs. Smith moved, seconded by Mrs. Hansohn, to adjourn at 4:11 p.m.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Absent - Chase

Motion carried 6 to 0.

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Peggy S. Crane, CMC  
Deputy Clerk

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John F. Coates, Chairman

ATTEST:

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Frank T. Bossio, Clerk to the Board

APPROVED: September 2, 2003

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AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, AUGUST 5, 2003.

**Board Members Present:**     **John F. Coates, Chairman**  
   **Steven L. Walker, Vice-Chairman**  
   William C. Chase, Jr.  
   Sue D. Hansohn  
   James C. Lee  
   Brad C. Rosenberger  
   Carolyn S. Smith

**Staff Present:**                     Frank T. Bossio, County Administrator  
   J. David Maddox, County Attorney  
   John C. Egertson, Planning Director  
   Sam McLearen, Zoning Administrator  
   Peggy S. Crane, Deputy Clerk

**CALL TO ORDER**

Mr. Coates, Chairman, called the meeting to order at 7:00 pm.

**CITIZEN FORUM**

Mr. Coates opened the Citizen Forum and called for comments on any item that was not on the agenda. He asked those individuals, who would be addressing the Board, to please limit their comments to three minutes.

The following individuals addressed the Board and elaborated on their concerns regarding the recent incident at the Animal Shelter.

Bob Cook spoke on the recent euthanasia of the dogs at the Animal Shelter and stated that the Board of Supervisors, as elected officials, were tasked to take immediate action and to make certain that this did not occur again. He offered corrective measures for the Board's consideration. Mr. Cook did not state his magisterial district.

Gary Sargent, Town of Culpeper, thanked the Board for allowing him the opportunity to speak and stated that he was before the Board on his own free will and that he had not been prompted to address the Board. He said that he worked under Mrs. Jamie Bennett's supervision for five years and he praised her managerial style, her compassion for animals and dedication to the well being of animals.

Russell Spangenburg, Jefferson District, addressed ongoing problem with the water supply delivery system in the South Wales Subdivision. He said there was low or no water pressure, and pink/dirty water that supplied water for the 320 residents in the subdivision.

He said if the County was going to operate the water supply system in the future, the residents hoped that the water system infrastructure would operate properly.

Don Webb, Jefferson District, inquired about the whereabouts of the agenda and did not address the Board.

Faith Beahm, Town of Culpeper, addressed the Board as a private citizen, and expressed her disapproval on the recent euthanasia of dogs at the Animal Shelter. She felt that the general public had not been given an adequate answer why the Animal Shelter had received numerous violations and why the issues had not been resolved before monetary fines became involved.

Denise Masters, Jefferson District, addressed the recent events at the Animal Shelter in detail and felt the issue needed to be investigated by the Board of Supervisors through an independent source. She offered interim solutions for the Board's consideration and felt they should be implemented until the problem(s) at the Shelter were identified and corrected.

Emily Godigkeit, Stevensburg District, spoke to the Board at length about her concerns to the Board and expressed her dissatisfaction with the recent euthanasia of dogs at the Animal Shelter and questioned the Board's ethics.

Bill Westlake, Salem District, addressed the Board on the recent incident at the Animal Shelter. He said that he likewise was dissatisfied with the events, but he immediately called and spoke with Mr. Bossio concerning the matter. He said he wanted to be a part of the solution, and not part of the problem. He said that Mr. Bossio told him that he felt communication was the problem and it would be taken care of immediately. He commended both the Humane Society and Manager of the Animal Shelter for their dedication and compassion for animals. He invited the concerned citizens to volunteer their services at the Animal Shelter and assist with the cleaning of the kennels.

With no further comments, Mr. Coates closed the Citizen Forum at 7:30 p.m.

Mr. Coates asked Mr. Bossio, County Administrator, to address the issue.

Mr. Bossio reported that he had received numerous e-mails, letters, telephone calls and personal visits regarding the issue. He said he felt that it was a communication problem and fostered by the fact that there was continuous pressure to reduce the number of animals in the Animal Shelter. He said when the euthanasia occurred there were 78 dogs in the shelter. He said the design of the Animal Shelter had been questioned and he

addressed the design of the Animal Shelter. He said that the State Veterinarian was involved during the design phase, and other humane society designs were considered in order to get the best possible design. The shelter was situated near a residential area and the neighborhood objected to outside runs and that is the reason all runs were placed inside when the shelter was designed. He pointed out that the duties of the Animal Control Officer was to deal with animal control issues and cases, to protect citizens and their animals from harm or destruction of property, and to run the Shelter according to State code. Failure to do so would result in private, as well as governmental penalty. He said it was the primary responsibility of the Humane Society to adopt out as many animals as they could. The Code required that animals be kept from 7 to 12 days, depending on whether or not they had tags. Over the past several years, the County in partnership with the Humane Society, has put forth the effort to adopt out as many animals as possible to reduce the need for euthanasia. He said between January 1, 2002 to December 31, 2002, State figures show there were 59,396 dogs and 61,156 cats euthanized in the State of Virginia. He said that this was not desirable, but that it would probably be necessary until each owner or the potential owner took responsibility for the pet(s) they adopt.

Mr. Bossio pointed out that the Animal Shelter was designed to house 40 runs and the day euthanasia occurred there were 78 dogs in the shelter and a large number of dogs made it very difficult to clean the shelter. The State Veterinarian on several occasions had indicated there were too many dogs in the shelter. He explained in detail the requirements how the cages were to be cleaned in order to avoid spreading of disease amongst the dogs. He said that steps had been taken to help dry the runs faster in order to move the dogs in and out quicker.

Mr. Bossio further reported that the in-take of animals in 2001 was 1,095 and only 741 were adopted out. In 2002, the in-takes totaled 1,819 and 858 animals were adopted. In 2001, the in-take of dogs was 622 and only 427 were adopted out, leaving 195 dogs not adopted out. In 2002, the dog adoption rose from 427 to 492 while there was an in-take of 821 leaving 329 not adopted out. In the past year, despite the Humane Society's best interest to adopt animals out, 296 dogs were euthanized. He said that year to-date, 90 dogs have been euthanized, including 16 dogs in the month of June.

Mr. Bossio further stated that the Animal Control Officer maintained a list of dogs that have been euthanized and the Director of the Humane Society was aware of the list

and had access to the list. Of the 18 dogs that were euthanized, 11 were not neutered, 5 were neutered and of the 5 that were neutered, 2 of the dogs had been in the shelter for 2 months, 1 dog for 3 months. Of the remaining dogs that had not been neutered, 1 was old and not in good health, 6 were aggressive and marked not adoptable and 5 were returned back to the shelter after adopting out. He noted that the Animal Control Officer was told after the fact that 3 of the dogs had been promised to people, but the dogs had not been designated in any way. He said this was a breakdown of communication between the Animal Control Officer and the Humane Society and corrective measures have been taken to alleviate this from happening in the future.

Mr. Bossio stated that the County had worked very hard to develop a relationship with the Humane Society by providing the Humane Society free office space at the shelter because they felt it would help to have the Humane Society on premises to help the adoption rate. More animals were adopted, but it also brought the problem of more animals being brought into the shelter. The County recently signed an agreement with the Humane Society to pay the proceeds to the Humane Society from animal license plates sold to help offset costs for spay and neutering.

Mr. Bossio said that the staff at the Animal Shelter had been inundated with telephone calls, letters, and e-mails the regarding the recent incident and it had created a stress-working environment at the Animal Shelter. He read a portion of a letter received that stated, ..."I hope you lose your job and be forbidden by law to ever work with animals again and my greatest wish would be to have your euthanized". He said such extreme letters were not helpful to the cause, not helpful to the animals, and certainly not helpful to the relationship between the Humane Society and the County, and he felt that public servants should not have to work under such circumstances.

Mr. Bossio said that the State Veterinarian had indicated that some of the remedies proposed would not work because boarding dogs off-sight was not acceptable and any off-sight boarding would be subject to State standards. It was being proposed to increase public awareness on what it takes to own an animal and that it was a life long commitment. Also, there was a need to lend a hand in the adoption rate, to implement new cleaning procedures and training, provide 48-hour notice on euthanasia and which dogs would be euthanized to the Humane Society. He said he would be contacting Kate Pullen,



Director, Animal Sheltering Issues with the Humane Society of the United States, about the spay and neutering program and its availability to as many citizens as possible.

No action was taken.

**RE: AGENDA ADDITIONS AND/OR DELETIONS**

Mr. Walker moved, seconded by Mrs. Smith, to consider the agenda as published.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

**PUBLIC HEARING**

THE BOARD WILL RECEIVE PUBLIC COMMENTS AND CONSIDER AN AMENDMENT TO CHAPTER 2 (ADMINISTRATION) OF THE COUNTY CODE TO INCREASE BAD CHECK FEE FROM \$20.000 TO \$25.00

*Mr. Maddox explained that the proposed amendment to Chapter 2 (Administration) of the County Code would increase the bad check fee from \$20.00 to \$25.00, effective when enacted. He said the proposed amendment had been properly advertised and was ready for the Board's consideration.*

*Mr. Coates opened the public hearing and called for public comments. There were none.*

*Mr. Coates closed the public hearing.*

*Mrs. Hansohn moved, seconded by Mr. Lee, to approve the amendment to Chapter 2, Section 2-3. Fee for Passing Bad Check to County from \$20.00 to \$25.00, to be effective when enacted.*

*Mr. Coates for voice vote.*

*Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker*

*Motion carried 7 to 0.*

**NEW PLANNING COMMISSION BUSINESS**

**ADDITION TO THE HAZEL RIVER AGRICULTURAL AND FORESTAL DISTRICT.** Request by Janet E. Ashcroft Revocable Trust to add 145.08 acres to the Hazel River Agricultural and Forestal District. The property is located off Route 522 in the Salem Magisterial District. Tax Map/Parcel No. 28/4E.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing were held. The Planning Commission concurred with the Agricultural and Forestal District Committee that this property, based on the agricultural value

of the property, was an appropriate addition to the district. He said that the Planning Commission was recommending to the Board of Supervisors that this addition to the Hazel River Agricultural and Forestal District be approved, and to adopt the ordinance modifying the district.

Mr. Egertson displayed the tax map highlighting the location of the property and informed the Board that it was an appropriate addition to the Hazel River Agricultural and Forestal District. It was recommended for approval and ready for the Board's consideration.

There was no one present representing the case.

***Mr. Coates opened the public hearing and called for public comments. There were none.***

***Mr. Coates closed the public hearing.***

***Mrs. Hansohn moved, seconded by Mrs. Smith, to accept the Planning Commission's recommendation and approve the addition to the Hazel River Agricultural and Forestal District and to approve the ordinance modifying the district.***

***Mr. Coates for voice vote.***

***Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker***

***Motion carried 7 to 0.***

**CASE NO. U-2013-03-1.** Request by Edd H. Perryman for approval of a use permit for a package sewage treatment plant for a single-family dwelling. The property is located on Route 663 in the Stevensburg Magisterial District and contains 5.16 acres. Tax Map/Parcel No. 65/3.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing were held. The Planning Commission found this application to be consistent with Article 17 of the Zoning Ordinance and Chapter 14 of the County Code. He said that the Planning Commission was recommending to the Board of Supervisors that this use permit be approved for a period of five (5) years.

Mr. Egertson displayed the tax map highlighting the location of the property and informed the Board that this parcel was currently vacant and had no opportunity for a traditional drainfield system, which had been verified by the Health Department. The property had a natural stream running through the property, which was an accessible discharge point. He said the Health Department had endorsed the application and it was ready for the Board's consideration.

Mr. Perryman, applicant, was present representing the case.

***Mr. Coates opened the public hearing and called for public comments. There were none.***

Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mr. Lee, to approve the use permit.

***Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker***

***Motion carried 7 to 0.***

**CASE NO. U-2014-03-1.** Request by Hai Nguyen for approval of a use permit for the operation of a meditation center. The property is located off Route 15 in the Cedar Mountain Magisterial District and contains 26.93 acres. Tax Map/Parcel No. 49R(1)/1.

Mr. McLearen read the letter into the record from the applicant requesting that the case be withdrawn.

No action necessary.

**CASE NO. U-824-03-2.** Request by South Wales Community Association for renewal of a use permit for a propane tank storage area. The property is located off Route 229 in the Jefferson Magisterial District and contains 10.51 acres. Tax Map/Parcel No. 7G(2) A (Open Space).

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the application to be consistent with Article 17 of the Zoning Ordinance. He said that the Planning Commission was recommending to the Board of Supervisors that this use permit be approved for a period of ten (10) years.

Mr. Egertson displayed a tax map that highlighted the location of the propane tank farm in the South Wales Subdivision and informed the Board that this tank farm served approximately 135 homes. The remaining homes in South Wales had individual tanks on each lot. He said this tank farm was established and granted a use permit approval about seven (7) years ago and during this time period there have been no safety concerns or incidents. It was recommended for period of ten (10) years and ready for the Board's consideration.

Mr. Leo Gumina, representing the case, said it was a 31,000-gallon tank, gated and locked. The fuel farm was operated and maintained by Columbia Gas and located approximately 350 feet from the main road and the nearest home. The fuel farm was reasonably isolated, secure and presented no safety problems. He said the fuel truck backed into the compound to refuel and upon his research this was not unusual for a truck(s) to back in to refuel. He asked for the Board's consideration to accept the Planning Commission's recommendation and approve the use permit.

Mr. Coates opened the public hearing and called for public comments.

Mr. Don Webb, resident adjacent to the tank farm, addressed several issues. First, he said there was some movement on the bridge when the fuel trucks pulled in and asked that the bridge be inspected to make certain it was secure. Secondly, he asked if it was possible for the truck to pull beyond the fence when refueling to alleviate some noise generated during the filling operation. He stated he would have no objections to the request if these issues were addressed satisfactorily and as long as the tank farm was not expanded.

With no further comments, Mr. Coates closed the public hearing.

Mr. Rosenberger asked staff if the bridge was on VDOT's right-of-way or located on open space. Mr. Egertson said this was the first he heard of the concern and he was not sure. Mr. Webb stated that it was located off the road beyond the basketball court and not on VDOT's right-of-way. Mr. Rosenberger suggested that the Homeowners' Association investigate the safety of the bridge since it was not on VDOT's right-of-way.

Mr. Rosenberger moved, seconded by Mrs. Smith, to accept the Planning Commission's recommendation and approve the use permit for a period of ten (10) years.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

#### ***ADJOURNMENT***

Mrs. Smith moved to adjourn at 7:58 p.m. Seconded by Mrs. Hansohn.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

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Peggy S. Crane, CMC  
Deputy Clerk

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John F. Coates, Chairman

ATTEST:

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Frank T. Bossio  
Clerk to the Board

APPROVED: September 2, 2003